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EXAMINER

BUI, KIEU OANH T

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/821,028
Filing Date: March 30, 2001
Appellant(s): GUTTA ET AL.

MAILED

OCT 04 2006

Technology Center 2600

Edward W. Goodman
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 06, 2005 appealing from the Office action mailed 07/13/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence or references Relied Upon

US Patent 6,748,237 Bates et al. 06-2004

US Patent 6,813,775 Finseth 11-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims (from examiner Jamieson Fish): detailed Action of the Final office action is included herein for the Board of Appeals members conveniently review and examine without having to refer back and forth between this examiner answer and the final office action.

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Claims 1-8, 11-17, and 21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Bates et al. (US 6,748,237).

Regarding claim 1, Bates teaches an entertainment receiver comprising a tuner arrangement, for tuning to selected program sources, each said program sources having a carrier frequency for carrying a program content (See Fig. 1 Receiver 10, Tuner 1, 18, Tuner 2, 32 and Col. 4 lines 24-33), a controller for controlling the tuner arrangement (See Fig. 1 CPU 12 and Col. 3 lines 9-24), the controller including a signal storing arrangement for storing at least one preference for program content type of a user of the receiver (See Fig. 1 Memory 14 and Col. 2 lines 11-27, Col. 3 lines 9-24, Col. 4 lines 66-77 and Col. 5 lines 1-10), and program content type classification means coupled to said tuning arrangement for receiving said program content and for generating, from said program content, a program content type signal characterizing the program content (See Col. 5 lines 48-51, Col. 6 lines 61-67, Col. 8 lines 1-29), the controller receiving and comparing said program content type signal to said stored at least one preference, and enabling the tuner arrangement to be tuned to a carrier frequency of a program source having a program content type corresponding with the preference for the program type of the user (See Fig. 8 and Col. 8 lines 63-67 and Col. 9 lines 1-35).

Regarding claim 2, Bates teaches wherein the tuner arrangement includes plural tuners (See Fig. 1 Tuner 1, 18, Tuner 2, 32 and Col. 4 lines 24-33), the controller activating a first of the plural tuners through a gamut of frequencies (Col. 8 lines 63-67 and Col. 9 lines 1-35 "scans tuner 32 forward to the next available station"), said program content type classification means being connected to said first tuner (See Fig. 8 Steps 204 206 and Col. 3 lines 9-24, Col. 9 lines 1-35 Program of CPU or Hardwired logic identifies program), the

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controller being arranged to be responsive to the program content type signals from the program content type classification means, (See Fig. 8 Step 206 Col. 9 lines 1-35 Controller executes different steps depending on classification of program), and the stored program content type preference for deriving a tuning signal for a second of said plural tuners (See Fig. 8 Step 212 Col. 9 lines 1-35).

Regarding claim 3, Bates teaches wherein said entertainment receiver further comprises a signal-level detector responsive to an amplitude of a signal passing through second tuner dropping below a threshold for activating the controller to derive an output for enabling the second tuner to be tuned to the carrier frequency of another program source having a program content type corresponding with the preference for the program type of the user and which having an amplitude above the threshold (See Fig. 5-7 Steps 138, 174, 194, 196, Col 3 lines 9-24, Col. 7 1-35 Col. 8 lines 22-67. Signal level detector is implemented in control program or hardwired logic. If the signal strength of signal passed thru tuner 18 is below a threshold new station routine is preformed. New station routine switches tuner 18 to a new station which has signal strength above the threshold and 'contains user preferred program content).

Regarding claim 4, Bates teaches wherein the controller is arranged for causing the output to activate the tuner to said carrier frequency (See Col. 8 lines 54-56).

Regarding claim 5, Bates teaches wherein the controller causes the signal to activate the tuner arrangement to be tuned to said carrier frequency (See Fig. 8 Step 212 and Col. 9 lines 14-16 Switching to a station is activating tuner to be tuned to said carrier frequency).

Regarding claim 6, Bates teaches the entertainment receiver further comprises a signal level detector connected to be responsive to an amplitude of the signal having the carrier frequency of the program source having a program content type corresponding with the preference for the program type of the user, dropping below a threshold for activating the controller to cause the tuner arrangement to tune to another broadcast signal a carrier frequency of a program source having a program content type corresponding with the preference for the program type of the user and having an amplitude above the threshold (See Fig. 5-7 Steps 138, 174, 194, 196, Col 3 lines 9-24, Col. 7 1-35 Col. 8 lines 22-67. Signal level detector is implemented in control program or hardwired logic. If the signal strength of signal passed thru tuner 18 is below a threshold new station routine is preformed. New station routine switches tuner 18 to a new station which has signal strength above the threshold and contains user preferred program content).

Regarding claim 7, Bates teaches wherein the signal storing arrangement stores at least one preference for program content type in response to input signals associated with inputs of the user derived from sources other than received program content (See Col. 9 lines 49-52).

Regarding claim 8, Bates teaches wherein the signal storing arrangement stores at least one preference for program content type in response to received program content (See Col. 5 lines 3-10).

Regarding claim 11, Bates teaches the entertainment receiver further comprises a display for displaying an indication of at least one of said carrier frequency and the program content type of said program source (See Fig. 2 and Col. 4 lines 44-67, Col. 5 lines 1-10).

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Regarding claim 12, Bates teaches a method of tuning an entertainment receiver comprising the steps of: storing at least one signal indicative of preferred program content type for a user of the receiver (See Col. 4 lines 66-77 and Col. 5 lines 1-10 "songs stored in favorites list"); determining, in response to received program content of a plurality of program sources received by the entertainment receiver, program content types of said plurality of program sources (See Fig. 8 Step 204 and Col. 9 lines 1-16); comparing the determined program content types of the plurality of program sources received by the receiver with the stored at least one signal indicative of preferred program content type for a user of the receiver (See Fig. 8 Step 206 and Col. 9 lines 1-16); and activating the receiver so a received program source having a determined program content type corresponding to the preferred program content type is presented to the user (See Fig. 8 Step 212 and Col. 9 lines 1-16).

Regarding claim 13, Bates further teaches the method comprising the steps: activating a first tuner of the receiver through a gamut of frequencies (See Fig. 8 Step 202 and Col. 9 lines 1-16), wherein said determining step determines the program content *types* of program content of a plurality of program sources carried on a respective plurality of carrier frequencies in the gamut of frequencies (See Fig. 8 Step 204 and Col. 9 lines 1-16), the comparing step compares the determined program content types with the stored preferred program content type (See Fig. 8 Step 206 and Col. 9 lines 1-16), and the activating step tunes a second tuner to the carrier frequency of a received program source with the determined program content type corresponding to the preferred program content type (See Fig. 8 Step 212 and Col. 9 lines 1-16).

Regarding claim 14, Bates teaches wherein the method further comprises the step of: changing the carrier frequency tuned the second tuner to a carrier frequency of another received program source with the determined program content type corresponding to the preferred program content type in response to an amplitude of a signal level passed by the second tuner dropping below a threshold level (See Fig. 8 Step 208 Col. 9 lines 1-16).

Regarding claim 15, Bates teaches wherein the method further comprises the step of: changing the program source tuned to by the receiver to another received program source with the determined content type corresponding to the preferred program content type in response to an amplitude of the received program source dropping below a threshold level (See Fig. 6-7 Steps 178, 180, 196 and Col. 8 lines 14-62).

Regarding claim 16, Bates further teaches wherein the changing step is effected by performing the determining, comparing and activating steps (See Fig. 5, 7 Steps 146, 152, 196 and Col. 7 lines 1-60 Col. 8 lines 30-62).

Regarding claim 17, Bates teaches wherein said method further comprises the step of: storing the determined program content type signals by supplying, to a storage arrangement, carrier frequencies of program sources having determined program content types corresponding with the preferred program content type of the user (See Fig. 5 Step 144, 150 and Col. 7 lines 1-60).

Regarding claim 21, Bates teaches wherein the program content type classification means analyzes the program content of the received program source by comparing said program content to a plurality of templates (See Fig. 8 Step 206, Col. 9 lines 1-46 Information packets, program content which identifies the song, are compared to songs in the favorite

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list).

Regarding claim 22, Bates teaches wherein the program content type classification means analyzes the program content of received program source to determine if the program content is one of a plurality of music types and to determine which is the applicable music type (See Col. 9 lines 36-46).

Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates in view of Finseth (US 6,813,775).

Regarding claim 10, Bates differs from the claimed invention in that his invention is embodied for a single user and fails to disclose support of plural users. However, an entertainment receiver storing at least one preference for each of plural predetermined users and further including an input device for enabling identification of which of the predetermined users is using the receiver is well known in the art as disclosed in Finseth (See Fig. 3, 5 and Col. 7 lines 19-29 and Col. 11 lines 2-23). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the entertainment receiver of Bates to store at least one preference for each of plural predetermined users and further comprising an input device for enabling identification of which of the predetermined users is using the receiver, the controller being arranged to be responsive to the input device for tuning the receiver to a carrier frequency of a program source having a program content type corresponding with the preference for the program type of the identified user in view of the teachings of Finseth in order to provide user specific preferences in an entertainment receiver with multiple users (See Finseth Col. 11 lines 21-23).

Regarding claim 20, Bates' method differs from the claimed method in that his method is embodied for a single user and fails to disclose storing at least one preference for each of plural predetermined users, identifying which of the predetermined users is using the receiver, performing said comparing an activating steps in regard to the preferred program content type of the identified user. However, an entertainment receiver storing at least one preference for each of plural predetermined users and further identifying which predetermined user is using the receiver is well known in the art as disclosed in Finseth (See Fig. 3, 5 and Col. 7 lines 19-29 and Col. 11 lines 2-23). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bates' method of tuning an entertainment receiver so that it included storing at least one preference. for each of plural predetermined users, identifying which of the predetermined users is using the receiver, and performing said comparing an activating steps in regard to the preferred program content type of the identified user in view of the teachings of Finseth in order to provide user specific preferences in an entertainment receiver with multiple users (See Finseth Col. 11 lines 21-23).

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(10) Examiner's Arguments:

Appellants mainly argue that the “program content type classification” is neither shown nor suggested in Bates et al.

The examiner respectfully disagrees based on the following reasons.

Examiner Fish previously points out the “information packets” as noted by appellants (pages 8-9) seem not to be aiming to the right target for “program type content type classification”, yet he is not technically mistaken since he would like to point out that based on the identified contents, the contents can be easily identified and extracted for tuning purposes. However, in further clarify the concerned issue of “program content type classification”, primary examiner Bui would like to further identify and explain on how the single reference of Bates can read on this claiming feature of claim 1 and corresponding method 12.

Based on disclosure of the present application, “program type content type classification” simply refers to genre, or music type or program type (pages 5-6), or in other word, content category of programs. Bates does disclose to include genre and/or classification within the broadcast system (refer to col. 2/lines 10-26). Then, refer back to ~~claiming~~ claim 1, the tuner 18 and tuner 32 within the receiver 10 is shown as in Fig, 1, and within memory 14, control program 16 under the control of CPU 12 for controlling the tuner arrangement and for storing at least one preference for program content type of a user of the receiver, refer to col. 4/line 66-col. 5/line 30 for storing of user preferences; and the step of “the program type classification means for receiving the program content and for generating a program content type signal characterizing the content and the controller (CPU) compares the program content type signal to the stored at least one preference and enabling the tuner for tuning to a carrier

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frequency of a program source having that program content type corresponding with the preference for the program type of the user" simply means the CPU checks if a program with a genre or type, i.e., classic rock, country, talk radio, news or sports etc. specified by the user- which is pre-stored in user preferences noted earlier, the CPU would match the station having same genre to the user by tuning to that station. Bates in col. 3, line 40 to col. 4/line 8 describes classification means for identifying the genre or classification of programs; col. 4/line 56-col. 4/line 50 for user preferences addressed; then in col. 7/line 28 to col. 8/line 28 for identifying the program content information; and particularly, in col. 9/lines 35-46, genre or classification identified by the user can be programmed and selected for tuning and playing as the user can add favorite songs, programs or artists to their criterion, as noted in col. 9/lines 47-64.

Therefore, based on these learning and observations from the present application versus Bates' reference, the examiner believes Bates' reference reads on these argued features of claiming languages of claims 1 and 12 based on the discussion and explanation as indicated in details above.



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Primary Examiner
Art Unit 2623
April 27, 2006



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